

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 2673, Agriculture Appropriations Act.

The House passed H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003.

The House passed H.R. 1442, Vietnam Veterans Memorial Visitors Center Act—clearing the measure for the President.

House Committee ordered reported 12 sundry measures.

## Senate

### Chamber Action

*Routine Proceedings, pages S14083–S14226*

**Measures Introduced:** Ten bills and three resolutions were introduced, as follows: S. 1829–1838, and S. Res. 260–262. **Pages S14176–77**

#### Measures Reported:

S. 286, to revise and extend the Birth Defects Prevention Act of 1998, with an amendment in the nature of a substitute. (S. Rept. No. 108–188)

S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, with an amendment in the nature of a substitute. (S. Rept. No. 108–189)

S. 1043, to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission, with an amendment in the nature of a substitute. (S. Rept. No. 108–190)

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, with an amendment in the nature of a substitute.

S. 710, to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and

extrajudicial killings abroad, with an amendment in the nature of a substitute.

S. 1685, to extend and expand the basic pilot program for employment eligibility verification, with an amendment in the nature of a substitute.

S. Con. Res. 77, expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws. **Page S14176**

#### Measures Passed:

**Agriculture Appropriations Act:** By 93 yeas to 1 nay (Vote No. 444), Senate passed H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S14104–55**

##### Adopted:

Dorgan Amendment No. 2116, to express the sense of the Senate on the importation of cattle with bovine spongiform encephalopathy. **Pages S14106–07**

Dorgan Amendment No. 2117, to increase funding for guaranteed broadband loans, with an offset. **Pages S14128–31**

Specter Amendment No. 2080, to limit the use of funds to allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that does not support the price of milk at the rate prescribed by law. **Pages S14136–39**

Cochran Amendment No. 2120, to provide plant variety protection. **Pages S14140–41**

Daschle Amendment No. 2078, to express the sense of the Senate regarding country of origin labeling requirements. (By 36 yeas to 58 nays (Vote No. 443), Senate earlier failed to table the amendment.) **Pages S14118–28, S14139–40, S14141–42**

Kohl (for Levin/Stabenow) Amendment No. 2121, to increase funding for the removal of trees that have been adversely affected by the emerald ash borer, with offsets. **Page S14142**

Kohl (for Feingold) Amendment No. 2122, to require the Secretary of Agriculture to report to Congress on acquisitions made by the Department of Agriculture of articles, materials, or supplies manufactured outside the United States. **Page S14142**

Kohl (for Dorgan) Amendment No. 2123, to permit the use of remaining fiscal year 2003 funds to carry out the program of loans and loan guarantees to provide access to broadband telecommunications services in rural areas. **Page S14142**

Kohl (for Stabenow/Levin) Amendment No. 2124, to control and alleviate the cormorant problem in the State of Michigan. **Page S14142**

Kohl (for Leahy) Amendment No. 2125, to provide minimum funding for certain types of agricultural management assistance. **Page S14142**

Bennett Amendment No. 2126, to authorize the Secretary of Agriculture to make funding and other assistance available through the emergency watershed protection program to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and to waive cost-sharing requirements for the funding and assistance. **Page S14142**

Kohl (for Wyden) Amendment No. 2127, to expand the business size restrictions of the Rural Business Enterprise Grant Program for Oakridge, Oregon. **Page S14142**

Kohl (for Jeffords) Amendment No. 2128, to provide funds to carry out the historic barn preservation program, with an offset. **Pages S14142–43**

Bennett (for Murkowski) Amendment No. 2129, to modify the requirements for a water and waste disposal grant to the Alaska Department of Community and Economic Development. **Page S14143**

Kohl (for Harkin) Amendment No. 2085, to permit the enrollment in the conservation reserve program of certain land on which trees have been planted. **Page S14143**

Kohl (for Clinton) Amendment No. 2130, to prohibit the use of funds to purchase chickens treated with fluoroquinolone. **Page S14143**

Bennett (for Craig) Amendment No. 2131, to provide loan guarantees for major projects for certain renewable energy systems. **Page S14143**

Kohl (for Harkin) Amendment No. 2132, to clarify the Secretary may use competitive research grant funds for certain requests for proposals. **Page S14143**

Kohl (for Dorgan) Amendment No. 2133, to increase funding for guaranteed broadband loans, with an offset. **Page S14143**

Kohl (for Harkin) Amendment No. 2134, to modify the requirements for a water and waste disposal grant to the city of Postville, Iowa. **Page S14143**

Bennett (for Hutchison) Amendment No. 2135, to provide for a Texas rice safeguard initiative. **Page S14145**

Bennett/Kohl Amendment No. 2073, of a technical nature. **Page S14145**

Rejected:

By 38 yeas to 56 nays (Vote No. 442), Leahy Amendment No. 2119, to restrict the use of funds for certain conservation programs. **Pages S14131–36, S14141**

Withdrawn:

Bingaman Amendment No. 2115, to provide funds to implement and administer Team Nutrition programs, with an offset. **Pages S14104–06**

During consideration of this measure today, Senate also took the following actions:

A unanimous-consent agreement was reached providing that the November 5, 2003 adoption of the following amendment was vitiated, and the amendment was then subsequently withdrawn: **Page S14145**

Bennett/Kohl Amendment No. 2084, to provide that statements made by the Chairman and/or Ranking Member of the Agriculture Appropriations Subcommittee, and colloquies engaging the Chairman and/or Ranking Member of the Agriculture Appropriations Subcommittee, given on the Senate Floor or submitted for the Record during Senate consideration of this Act shall be deemed part of Senate Committee Report 108–107 for purposes of conference with the House of Representatives. **Page S14145**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Bennett, Cochran, Specter, Bond, McConnell, Burns, Craig, Brownback, Stevens, Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Landrieu, and Byrd. **Pages S14151–55**

**Authorizing Legal Representation:** Senate agreed to S. Res. 261, to authorize testimony, document production, and legal representation in State of Colorado v. Daniel Raphael Egger, Sarah Jane Geraldi, Jennifer Melissa Greenberg, Lisa Gale Kunkel, Bonnie Catherine McCormick **Pages S14220–21**

**Child Nutrition Program Authorization:** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 3232, to reauthorize certain school lunch and child nutrition programs through March 31, 2004, and the bill was then passed, clearing the measure for the President. **Page S14221**

**Coastal Barrier Property Exemption:** Senate passed S. 1643, to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968, after agreeing to the committee amendments. **Page S14221**

**Technical Correction:** Senate passed S. 1066, to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System, after agreeing to the committee amendment in the nature of a substitute. **Page S14221**

**Coastal Barrier Map Replacement:** Senate passed S. 1663, to replace certain Coastal Barrier Resources System maps. **Pages S14221–22**

**Congratulating Shirin Ebadi:** Committee on the Judiciary was discharged from further consideration of S. Res. 244, congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights, and the resolution was then agreed to. **Page S14222**

**Compact of Free Association Amendments Act:** Senate passed H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts, after agreeing to the following amendments proposed thereto: **Pages S14222–26**

McCain (for Domenici/Bingaman) Amendment No. 2137, in the nature of a substitute. **Page S14226**

McCain (for Domenici/Bingaman) Amendment No. 2138, to amend the preamble. **Page S14226**

McCain (for Domenici) Amendment No. 2139, to amend the title. **Page S14226**

**Internet Tax Non-Discrimination Act:** Senate began consideration of S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, after agreeing to the committee amendment in the nature of a substitute, and taking action on the following amendment proposed thereto: **Pages S14156–73**

Adopted:

McCain Amendment No. 2136, in the nature of a substitute. **Page S14157**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at 9:30 a.m., on Friday, November 7, 2003.

**Page S14160**

**Messages from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the approval of the use of \$10,623,873 provided by the District of Columbia Appropriations Act, Public Law 108–7, the Consolidated Appropriations Resolution, 2003; to the Committee on Appropriations. (PM–55) **Page S14173**

**Nomination Considered:** Senate resumed consideration of the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 43 nays (Vote No. 441), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the second motion to close further debate on the nomination. **Pages S14090–S14104**

**Nominations Received:** Senate received the following nominations:

Francis J. Harvey, of California, to be an Assistant Secretary of Defense.

Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Page S14226**

**Messages From the House:** **Pages S14173–74**

**Measures Referred:** **Page S14174**

**Measures Placed on Calendar:** **Page S14174**

**Enrolled Bills Presented:** **Page S14174**

**Executive Communications:** **Pages S14174–76**

**Executive Reports of Committees:** **Page S14176**

**Additional Cosponsors:** **Page S14177**

**Statements on Introduced Bills/Resolutions:** **Pages S14177–82**

**Additional Statements:** **Page S14173**

**Amendments Submitted:** **Pages S14182–S14220**

**Authority for Committees to Meet:** **Page S14220**

**Privilege of the Floor:** **Page S14220**

**Record Votes:** Four record votes were taken today. (Total—444) **Page S14104, S14141, S14142, S14155**

**Adjournment:** Senate met at 9:31 a.m., and adjourned at 9:58 p.m., until 9:30 a.m., on Friday,

November 7, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S14226.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the nominations of Floyd Hall, of New Jersey, who was introduced by Senator Lautenberg, Louis S. Thompson, of Maryland, and Robert L. Crandall, of Texas, each to be a Member of the Reform Board (Amtrak), after each nominee testified and answered questions in their own behalf.

### LUNAR EXPLORATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science, Technology, and Space concluded a hearing to examine the future of the U.S. Space Program, including the possibility of a return mission to the Moon, after receiving testimony from former Senator Harrison H. Schmitt, InterLune-Intermars Initiative, Inc., Albuquerque, New Mexico; J. Roger P. Angel, University of Arizona Center for Astronomical Adaptive Optics, Tucson; and David R. Criswell, University of Houston Institute for Space Systems Operations, and Paul D. Spudis, Lunar and Planetary Institute, both of Houston, Texas.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation;

S. Res. 256, observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq;

S. Res. 258, expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation;

S. 950, to allow travel between the United States and Cuba, with amendments;

S. 1317, to amend the American Servicemember's Protection Act of 2002 to provide clarification with

respect to the eligibility of certain countries for United States military assistance;

S. 1824, to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation; and

The nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to the Transitional Islamic State of Afghanistan, Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization, William J. Hudson, of Virginia, to be Ambassador to the Republic of Tunisia, Margaret Scobey, of Tennessee, to be Ambassador to Syria, Thomas Thomas Riley, of California, to be Ambassador to the Kingdom of Morocco, Jackie Wolcott Sanders, for the rank of Ambassador during her tenure of service as United States Representative to the Conference on Disarmament and the Special Representative of the President of the United States for Non-Proliferation of Nuclear Weapons, Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Timothy John Dunn, of Illinois, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States, James Curtis Struble, of California, to be Ambassador to Peru, Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank, Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti, Edward B. O'Donnell, Jr., of Tennessee, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, Jon R. Purnell, of Massachusetts, to be Ambassador to the Republic of Uzbekistan, Stuart W. Holliday, of Texas, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and certain Foreign Service Officer promotion lists received in the Senate on October 3, 2003.

### DOD AIRLINE TRAVEL

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations concluded a hearing to examine Department of Defense's improper use of first and business class airline travel, focusing on the extent of DOD premium class travel, the effectiveness of key internal control activities and examples

of improper premium class travel resulting from internal control breakdowns, and DOD's control environment over premium class travel, after receiving testimony from Senator Grassley; Representative Schakowsky; Gregory D. Kutz, Director, and John V. Kelly, Assistant Director, both of the Financial Management and Assurance Team, and John J. Ryan, Assistant Director, Office of Special Investigations, all of the General Accounting Office; and Lawrence J. Lanzillotta, Principal Deputy Under Secretary (Comptroller), and Charles S. Abell, Assistant Secretary for Force Management Policy, both of the Department of Defense.

#### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 710, to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with re-

spect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad, with an amendment in the nature of a substitute;

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, with an amendment in the nature of a substitute;

S. 1685, to extend and expand the basic pilot program for employment eligibility verification, with an amendment in the nature of a substitute;

S. Con. Res. 77, expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; and

The nominations of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, D. Michael Fisher, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, and Mark R. Filip, to be United States District Judge for the Northern District of Illinois.

# House of Representatives

## Chamber Action

**Measures Introduced:** 23 public bills, H.R. 3452–3474; 1 private bill, H.R. 3475; and 4 resolutions, H. Con. Res. 321–322 and H. Res. 435–436, were introduced. **Pages H10977–78**

**Additional Cosponsors:** **Pages H10978–79**

**Reports Filed:** Reports were filed today as follows:

H.R. 2571, to provide for the financing of high-speed rail infrastructure, amended (H. Rept. 108–278, Pt. 2);

H. Res. 434, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–352);

H.R. 587, to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region, amended (H. Rept. 108–353).

Conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004 (H. Rept. 108–354); and

H. Res. 437, waiving points of order against the conference report to accompany the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces (H. Rept. 108–355). **Pages H10563–H10973, H10976–77**

**Healthy Forests Restoration Act of 2003—Motion to go to Conference:** The House disagreed to the Senate amendments to H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and agreed to a conference. **Pages H10462–69**

The House agreed to the Stenholm motion to instruct conferees on the bill by a voice vote.

**Pages H10463–69**

**Appointed as conferees:** From the Committee on Agriculture: Representatives Goodlatte, Boehner, Jenkins, Gutknecht, Hayes, Stenholm, Peterson (MN) and Dooley (CA); from the Committee on Re-

sources: Representatives Pombo, McInnis, Walden (OR), Renzi, George Miller (CA) and Inslee; from the Committee on the Judiciary: Representatives Sensenbrenner, Smith (TX) and Conyers. **Page H10469**

**Federal Prison Industries Competition in Contracting Act of 2003:** The House passed H.R. 1829, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, by a yeas-and-nays vote of 350 yeas to 65 nays, Roll No. 612.

**Pages H10469–H10510**

The amendment in the nature of a substitute recommended by the Committee on the Judiciary, now printed in the bill, and considered as an original bill for the purpose of amendment was agreed to by a voice vote.

**Page H10509**

Agreed to:

Toomey amendment (No. 1 printed in the Congressional Record of November 4) that will prohibit Federal Prison Industries from bidding on contracts that have been reserved for small businesses;

**Page H10488**

Smith of Michigan amendment that allows a contract to be made to Federal Prison Industries using other than competitive procedures; **Pages H10488–89**

Maloney amendment that extends the same power that the Department of Defense contracting officer has to the contracting officers of various civilian agencies; **Pages H10491–92**

Waters amendment that increases the per hour wage earned by inmates with less than two years remaining on their prison terms; **Pages H10495–96**

Hoekstra amendment that further expands the inmate work programs in conjunction with non-profit organizations; and **Pages H10501–03**

Strickland amendment that requires that funds expended under the bill for services or goods must be manufactured in the United States. **Pages H10507–08**

Rejected:

Green of Wisconsin amendment (No. 8 printed in the Congressional Record of November 5) that sought to require the comptroller general to conduct

a study of the effects of eliminating the mandatory source requirements for Federal Prison Industries, as specified in the bill; **Pages H10480–87**

Scott of Virginia amendment (No. 4 printed in the Congressional Record of November 4) that sought to restore the mandatory source authority by striking the section of the bill that permits the government contracting agency, during the transition period when FPI's mandatory source authority is phased out, to accept a contract bid from FPI only if certain production and price conditions are met, and instead requires the contracting agency to accept FPI's bid subject only to the percentage caps on total sales outlined in the bill; **Pages H10490–91**

Scott of Virginia amendment (No. 5 printed in the Congressional Record of November 4) that sought to strike the section of the bill that prohibits Federal Prison Industries and state prison industries from contracting for work to provide services; **Pages H10496–97**

Green of Wisconsin amendment (No. 7 printed in the Congressional Record of November 5) that sought to permit the Attorney General to postpone phasing out the Federal Prison Industries mandatory source rule for at least one year if it can be determined that the phase out would significantly threaten prison operations or prison safety (rejected by a recorded vote of 91 ayes to 325 noes, Roll No. 610; and **Pages H10492–94, H10508**

Jackson-Lee amendment that sought to place a three year sunset provision on the Act if the Attorney General determines that the Act creates a significant or adverse effect on the public or on prison operations or safety (rejected by a recorded vote of 100 ayes to 313 noes, Roll No. 611.

**Pages H10504–07, H10509**

Withdrawn:

Scott of Virginia amendment (No. 6 printed in the Congressional Record of November 4) that was offered and subsequently withdrawn, that would have established a pilot program to provide inmates with additional work opportunities and authorizes funding over five years for the program.

**Pages H10498–H10501**

The House agreed to H. Res. 428, the rule providing for consideration of the bill on Wednesday, November 5.

**Fair and Accurate Credit Transaction Act of 2003—Motion to go to Conference:** The House disagreed to the Senate amendments to H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and agreed to a conference. **Pages H10514–15**

The House agreed to the Frank of Massachusetts motion to instruct conferees on the bill by a voice vote. **Pages H10514–15**

Appointed as conferees: Representatives Oxley, Bereuter, Bachus, Castle, Royce, Ney, Kelly, Gillmor, LaTourette, Biggert, Sessions, Frank (MA), Kanjorski, Sanders, Waters, Watt, Gutierrez, Hooley (OR), and Moore. **Page H10515**

**Labor/HHS Appropriations—Motion to Instruct Conferees:** The House agreed to the DeLauro motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, by a yea-and-nay vote of 310 yeas to 101 nays, Roll No. 613. **Pages H10510–11**

Later the House agreed Bell motion to instruct conferees on the bill by a voice vote. **Pages H10515–20**

**Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees:** The House rejected the Becerra motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, by a yea-and-nay vote of 197 yeas to 207 nays, Roll No. 614. **Pages H10511–12**

**Medicare Prescription Drug and Modernization Act of 2003—Motion to Instruct Conferees:** The House rejected the Capps motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, by a yea-and-nay vote of 197 yeas to 209 nays, Roll No. 615. **Page H10512**

Later the House debated the Cardoza motion to instruct conferees on the bill. Further proceedings on the motion were postponed until a later date.

**Pages H10528–34**

**Vietnam Veterans Memorial Visitors Center Act:** The House agreed to the Senate amendments to H.R. 1442, to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial—clearing the measure for the President.

**Pages H10512–14**

**Energy Policy Act of 2003—Motion to Instruct Conferees:** The House debated the Filner motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people. Further proceedings on the motion were postponed until a later date.

**Pages H10521–28**

**Senate Message:** Message received from the Senate today appears on page H10459.

**Senate Referral:** S. 589 was ordered held at the desk.

**Presidential Message:** Read a message from the President wherein he transmitted notification of the proposed use of funds appropriated under the District of Columbia Appropriations Act of PL 108–7, the Consolidated Appropriations Resolution, 2003, to reimburse the District for emergency planning and security costs—referred to the Committee on Appropriations and ordered printed (H. Doc. 108–140).

**Page H10534**

**Order of Business—National Defense Reauthorization Conference Report:** Agreed by unanimous consent that the managers on the part of the House have until 6 a.m. on Friday, November 7 to file the conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces.

**Page H10537**

**Recess:** The House recessed at 11:17 p.m. and reconvened at 8:16 a.m. on Friday, November 7.

**Pages H10558, H10563**

**Adjournment:** The House met at 10 a.m. and adjourned at 8:17 a.m. on Friday, November 7.

## *Committee Meetings*

### **APPLICATION FOR CONTRACT MARKET DESIGNATION OF U.S. FUTURES EXCHANGE LLC BEFORE CFTC**

*Committee on Agriculture:* Held a hearing to review the application for contract market designation of the United States Futures Exchange LLC before the Commodity Futures Trading Commission. Testimony was heard from James E. Newsome, Chairman, CFTC; and public witnesses.

### **COMPUTER VIRUSES**

*Committee on Energy and Commerce:* Subcommittee on Telecommunications and the Internet held a hearing entitled “Computer Viruses: The Disease, the Detection, and the Prescription for Protection.” Testimony was heard from public witnesses.

### **“MUTUAL FUNDS: WHO’S LOOKING OUT FOR INVESTORS?”**

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises concluded hearings entitled “Mutual Funds: Who’s Looking Out for Investors?” Testimony was heard from William Francis Galvin, Chief Securities Regulator, Secretary, State of Massachusetts; and public witnesses.

## **MISCELLANEOUS MEASURES**

*Committee on Government Reform:* Ordered reported the following measures: H.R. 2751, amended, GAO Human Capital Reform Act of 2003; H.R. 2886, amended, Department of Homeland Security Financial Accountability Act; H. Res. 274, honoring John Stockton for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to basketball, to the State of Utah, and to the Nation; H. Res. 373, amended, expressing the sense of Congress with respect to the Women’s United Soccer Association; H. Con. Res. 69, expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports; H. Con. Res. 299, honoring Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the United States Navy, and for his lifetime of work as an ambassador for the poor and powerless citizens of the United States of America; H. Con. Res. 313, to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness’ inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church; H.R. 2130, to redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the “New Bridge Landing Post Office;” H.R. 3300, to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the “Walter F. Ehrfelt, Jr. Post Office Building;” H.R. 3353, to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the “George Henry White Post Office Building;” S. 1590, to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the “James E. Davis Post Office Building;” and S. 1718, to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the “Senator James B. Pearson Post Office.”

### **FIRST RESPONDER INTEROPERABILITY**

*Committee on Government Reform:* Subcommittee on National Security, Emerging Threats and International Relations and the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a joint hearing on “First Responder Interoperability: Can You Hear Me



Now?" Testimony was heard from William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; Karen S. Evans, E-Gov/IT Director, OMB; David Boyd, Program Manager, SAFECOM, Wireless Public Safety Interoperable Communications Program, Department of Homeland Security; John Morgan, Assistant Director, Science and Technology, National Institute of Justice, Office of Justice Programs, Department of Justice; the following officials of the FCC: John Muleta, Chief Wireless Bureau; and Edmond Thomas, Chief, Office of Engineering and Technology; and public witnesses.

#### CONFERENCE REPORT—NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEAR 2004

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 1588, National Defense Authorization Act for Fiscal Year 2004, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Hunter and Representative Skelton.

#### SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE RELATING TO NATIONAL DEFENSE AUTHORIZATION ACT CONFERENCE REPORT

*Committee on Rules:* Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of November 7, 2003, providing for consideration or disposition of a conference report to accompany the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### CLIMATE CHANGE TECHNOLOGY

*Committee on Science:* Subcommittee on Energy held a hearing on What are the Administration Priorities for Climate Change Technology? Testimony was heard from the following officials of the Department of Energy: David Conover, Director, Interagency Climate Change Technology Program; George Rudins, Deputy Assistant Secretary, Coal and Power Systems; Sally Benson, Deputy Director, Operations, Lawrence Berkeley National Laboratory; and Marilyn Brown, Director, Energy Efficiency and Renewable Energy, Oak Ridge National Laboratory.

#### EXAMINE RECENT FAILURE TO PROTECT CHILD SAFETY

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing to Examine Recent Failure to Protect Child Safety. Testimony was heard from Representatives Andrews, Pascrell and Ferguson; the following officials of the State of New Jersey: Colleen Maguire, Deputy Commissioner, Department of Human Services; and Kevin Ryan, Child Advocate, Office of the Child Advocate; and public witnesses.

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#### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1237)

S. 3, to prohibit the procedure commonly known as partial-birth abortion. Signed on November 5, 2003. (Public Law 108–105).

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#### COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 7, 2003

(Committee meetings are open unless otherwise indicated)

##### Senate

No meetings/hearings scheduled.

##### House

No committee meetings are scheduled.

##### Joint Meetings

*Joint Economic Committee:* to hold joint hearings to examine the current employment situation, 9:30 a.m., SD–628.

*Next Meeting of the SENATE*

9:30 a.m., Friday, November 7

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, November 7

## Senate Chamber

**Program for Friday:** Senate will continue consideration of S. 150, Internet Tax Non-discrimination Act.

## House Chamber

**Program for Friday:** Consideration of the conference report on H.R. 1588, National Defense Authorization for FY 2004 (subject to a rule).

## Extensions of Remarks, as inserted in this issue

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